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AN IMPORTANT CASE.

The verdict of the jury in Choy Look See case is a very important one and should the decision of the Supreme Court sustain the verdict, the work of the court of claims will be considerably curtailed. The question before the jury was whether an insurance company was liable which in its fire policy, protected itself by a clause that it should not be responsible for any damages caused "directly or indirectly by any order of a civil authority."

The case is the old one arising out of the Chinatown fire in the plague time. The Board of Health had ordered the destruction of several blocks at various times, and the burning had been successfully carried out by the fire department, the flames being kept within the circumscribed area. Whether this policy was a wise one or not, whether it was a necessary one or not is not in question. The Board, urged by strong public feeling at the time, took the responsibility. Had the fires been held in check as they were up to the time of the destruction of block fifteen, the way was comparatively clear. But circumstances took the result out of the hands of the Board of Health and out of hands of the Fire Department.

The burning of block fifteen, which was the nest of rookeries then existing in the vicinity of Kaumakapili church, was mooted for a long time before it actually took place. It was a difficult job, but the Fire Department was experienced, and thought itself amply capable of keeping the fire within bounds. What upset all these calculations was the sudden springing up of a wind down the valley which whirled sparks and burning shingles over an area which it was impossible for the Fire Department to reach, and the result was a conflagration which swept with an ever increasing roar from Beretania street to the sea.

There was no reason for either the Board of Health or for the Fire Department to think that they could not control a fire such as was started in block fifteen. It had been controlled on several occasions previously, and but for the rising of the wind the fire would have been controlled. Under the circumstances was a fire insurance company liable which had striven to protect itself by the clause mentioned above? The jury thought not. It remains to see what the Supreme Court thinks.

"C'EST MAGNIFIQUE, MAIS..."

One cannot help looking over the lack of results in this session of the Legislature without a feeling of sympathy for a few very mistaken men. If the lesson those men have received is taken to heart, the time after all is not wasted. To have had even one fool cured of his folly is some advantage to the community in general.

Certainly when the Legislature came together there were in one or two minds high hopes of reaching an ideal form of government. But between having an ideal and being able to formulate it, there is a very, very wide gulf. If added to the ideal, and bearing it down there is the dead weight of political and personal rancor, the ideal has no chance of ever being realized.

The Legislature came together with the ostensible idea of reorganizing the political system of the Islands. It needed reorganizing. Upon that thinkers of all parties were agreed. But the overwhelming majority not only wanted reorganization, but it wanted revenge, and unless a person is very level headed, and is content to bide his time, revenge is one of the most unsatisfactory and at the same time the most expensive luxuries that can be indulged in. Now even the well meaning and earnest minded of the majority wanted revenge more than they wanted reform and the result has been that they have failed in both, and have covered themselves with a political pall to carry with themselves to their political graves.

Instead of really facing the issues which were before the people of the Territory, the time of the Legislature was taken up in bickering with the executive and in personal diatribes against officials "from the Governor down to the poorest paid clerk," as one sapient Representative informed the House he meant to institute. He threw the scabbard of his sword of eloquence away, and stood there ready to cut off metaphorical heads, yea, if there was but one drop of the hated blood in the veins of the trembling clerk. As the French said of the celebrated Balaklava Charge, "c'est magnifique, mais ce n'est pas la guerre." It is grand but it is not war. So of our own bold legislators. It was grand, but it was not legislation, and it has not brought us any nearer the goal of reform.

The results have been nil. The regular session failed to pass a single measure of any importance save the income tax act, and that did not emanate from the majority. The Territory needed steps to be taken towards county government and towards municipal government. Whether it would not be wise to consider steps in this direction more carefully than could be done in the limits of one session was a matter which occupied the minds of

men who gave careful thought to the questions. The Republicans had prepared a municipal act, but the majority would have none of it. A county act was passed, which was so full of contradictions and crudities, so utterly illogical and raw, that it could not be signed, and had it been signed, the whole Territory would have been in an uproar. Even its own introducer would have cursed the day he pasted the slips together which formed the bill, and evidently got them mixed in the process. Beyond this nothing else was attempted, practically.

Then has come the special session for the discussion of appropriation bills. Considerably over forty days has been spent in making out bills both in the Senate and House. After the forty days in the House, the result was forwarded to the Senate, and promptly thrown out by that body. Forty days of wind and invective lost. The Senate, itself, after working for somewhat more time, has come back to the idea that the governor's estimate is after all the best that could be made, and is practically endorsing that estimate.

The lesson to be learned from all this seems to be plain enough. It was plain enough to any one who had a fundamental knowledge of legislative history. If a Legislature is to accomplish anything of value to its constituents, the members must set before themselves public measures, not private aims. The views of those who differ from the majority should be listened to, for much can be learned from those who disagree from your own view. To be a useful and serviceable Legislator does not require brilliant genius or great powers, but it does require common sense and unselfishness. The lack of these qualities has led the present Legislature into a position where it has been rightly compared to the Bander-log of Kipling's poem.

Today is an important taxation day: The war tax comes off and the income tax comes on.

Judging by the comments of the Hilo papers, the California annexation conspiracy falls as flat on Hawaii as it did on Oahu.

Hilo seems to be full of activity in preparation for horse races. There seems to be a vague idea extant in the "Rainy City" that the celebration of the Fourth of July is in some way connected with the races.

Tax Assessor Pratt entered upon his duties today. Mr. Pratt, in whatever position he has held under the government, has always proved himself an efficient and urbane official. As tax assessor his work will no doubt prove as satisfactory in the future as it has been in the past.

The California-Annexation conspiracy is still being boomed in a sort of half hearted way. Evidently the organs are waiting for orders. The plan did not work as it should have done, and the king-pin of the affair being out of reach the lieutenants do not know exactly what to do. Won't they get a raking down when the mail arrives.

Attorney-General Dole's opinion upon the right of the executive to use the Chinese deposits as current funds has been rendered. There never seemed to be any reasonable argument against this view. When the money was originally deposited in the Postal Savings' bank it was not on special deposit and there does not appear any valid reason why it should not remain as it was a debt payable by the treasury upon demand.

The Grand Jury in Wailuku has taken opportunity to shake up matters upon the Island of Maui in great shape. It is noticeable that it gave little or no attention to the district of Hana. That is probably a section of the Island which needs looking into even more than Lahaina. If all stories that come down from that part of the world are true. Though there is telephone communication, Hana is one of the most isolated districts on the Islands and is visited by few strangers.

It is to be hoped that the police will be able to break up the gangs of Portuguese hoodlums which are beginning to crop up in various parts of the city. These gangs are composed of lads from sixteen to twenty-three or four years of age. They gamble, and use the vilest of language, while they are a terror to Chinese and Japanese who may be in the vicinity. A little work upon the roads would be the most salutary medicine for cooling the ardor of these youths. If they are not checked they will go from bad to worse.

The great boating event of the season is near at hand, and there is a great deal of interest being taken in the several crews. As in all races changes may take place in the personnel of the crews up to the last moment. Men are not able to keep up their training, or they fall sick at a critical time, or they don't improve in their style, or half a hundred things happen, and their coaches are driven distracted and wish they had never been born. But it all comes right in the end, and the crews paddle out in their graceful shells, their sturdy limbs glistering in the sun, and then there is the race and the final struggle at the end and one crew wins and the other is beaten and there is no hard feeling on either side. This is the story of true sport, and this is the way our boys conduct it.

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